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Thomas G. Gatzunis, P.E.
Commissioner

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Director

Board Meeting Minutes – May 11, 2015

21st Floor – Conference Room 1

Present Board Members:

- Diane McLeod, Acting Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Lisa Pilorz, Member (LP)
- Carol Steinberg, Member (CS)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Executive Director (TH)

Members Not Present:

- Walter White, Chair (WW)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- George Delegas, Member (GD)

- Meeting began at approximately 9:00 a.m.

1) Discussion: Board Member Roll Call

DM - all but GD, RG, and WW present

George Delegas, Member (GD) – now present

2) Incoming: Kresge Auditorium, MIT Building W16, 106 Vassar Street, Cambridge (V15-081)

TH - EXHIBIT – variance application and supplemental information
- sent to the Board Members in their Board packet to review and have motion ready

CS - is there a distinction between “Little Theater” and “Auditorium”

TH - don’t think that auditorium has a stage
- the Little Theater has a stage that is accessible

TH - five different variances: route to organ loft, route to projection booth, accessible seating locations, vertical wheelchair platform requirements for existing lift, access to the stage, placement of wheelchair seating

CS - *grant all as proposed, on the condition that the access to the performing areas is provided to the auditorium as well if there is a stage within that area*

AB - *second – carries unanimously*

Raymond Glazier, Member (RG) – now present

3) Incoming: Bridge Over Troubled Waters, Inc., Bridge’s Transitional Living Program, 3-5 Abby Rd. and 68-70 Waverly St., Bridgton (V15-097)

TH - EXHIBIT – variance application and supplemental information
- large application should be sent with board packet

CS - *move to June 1st and send variance application to board in next board packet*

JD - *second – carries unanimously*

4) Incoming: Mass Digital Games Institute and New Ventures Center, 80 Williams Street, Worcester (V15-111)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- large application should be sent with board packet

RG - *move to June 1st and send variance application to board in next board packet*

AB - *second – carries unanimously*

5) Incoming: Yvonne’s Restaurant, 1-3 Winter Place (1st Floor), Boston (V15-102)

TH - EXHIBIT – variance application and supplemental information
- restaurant at first floor and basement
- elevator and accessible toilets at both levels
- seeking variances for 17.4 (bar counters) and 17.5 (raised dining areas)
- change in level to first floor bar (historic and being restored)

CS - *more information on the seating by the bar (high tops, accessible seating spaces)*

RG - *second – carries unanimously*

TH - basement lounge space is a sunken level below the bar area
- change in level (17.5 or 29.2.3)

LP - did they ask for toilet variances, basement level toilet rooms do not look accessible

CS - *continue for more information about alternative seating for lounge and basement level toilet rooms*

AB - *second – carries unanimously*

6) Incoming: New Town Hall (Old County Courthouse), 26 Court Street, Plymouth (V15-104)

TH - EXHIBIT – variance application and supplemental information
- spending over 30% of the value of the building for a renovation of the existing building
- old courthouse will be museum, adding addition that will be new town hall
- seeking a variance for the historic entrance to the existing courthouse
- intend to use the historic entrance as exit only, but not called out as emergency exit only, so still could use as entrance
- new glass connector between the buildings

CS - *grant as egress only*

JD - *second*

TH - *just grant outright, because it may be used as an entrance*

CS - *modify, grant as proposed, on the condition used as exit only and not use an entrance, and accessible entrance submitted*

- *no second, motion fails*

JD - *grant as proposed*

AB - *second – carries with CS opposed*

TH - changes in level in historic courtroom
- want to maintain existing courtroom (witness stand, judges' area, viewing area and staff area)

CS - *grant on the condition that not used for court function, town meeting, or any municipal usage (i.e. mock trials for schools)*

JD - *second – carries unanimously*

7) Incoming: Landry Arena, 1000 John Fitch Highway, Fitchburg (V15-105)

TH - EXHIBIT – variance application and supplemental information
- phase 1 of multiple renovations to the arena
- first phase is renovation of mezzanine level
- security controlled exercise space for Fitchburg State varsity athletes, rehab from injury is only allowed at other facilities; only students that are able to participate in varsity sports are allowed to use the mezzanine level gym

CS - *deny*

AB - *second – carries unanimously*

8) Incoming: 22 Story Apartment Building, 402 Rindge Ave., Cambridge (V15-103)

TH - EXHIBIT – variance application and all supplemental information

- renovation of kitchen, bathrooms and flooring
- converting 14 units to Group 2 units
- should have all members review this case and have sent in next board packet

JD - have the case sent to all board members in the June 1st board packet

RG - second – carries unanimously

9) Incoming: First Parish Unitarian Universalist Church, 55 School Street, Bridgewater (V115-096)

- TH - EXHIBITS – variance application and supplemental information
- trailer was purchased for \$10,950 and used for alternate classroom space
 - ramp to trailer, estimated to cost \$10,225
 - proposing to just provide accessible classroom spaces within the church

JD - grant on proposed, on the condition that there is a written policy about how persons unable to access the trailer will be accommodated within the church

CS - second – carries unanimously

CS - require that the stairs to the trailer comply in full with 521 CMR

RG - second- carries unanimously

10) Incoming: Wahconah Heights, 667-1A, 335 Wahconah St., Pittsfield (V15-099)

- TH - EXHIBIT – variance application and supplemental information; letter from June Hailer, Pittsfield Commission on Disability – received on Friday, May 8th
- jurisdiction is 3.3.1a, work performed; redoing walks that access the west side of the building
 - ramps at the stairs would be an additions \$125,000
 - Hailer letter notes that Commission and Cathy Carciddi from AdLib reviewed the variance application; opposed to variances requested
 - just proposing to remove and replace existing stairs

CS - deny and have them submit a plan for access

RG - second – CS, RG and JD in favor; AB, GD and LP opposed; DM in favor so motion carries

11) Incoming: Office Building, 54 Washburn Ave., Cambridge (V15-101)

- TH - EXHIBIT – variance application and supplemental information
- change of use from public to public, but now will be a healthcare provider
 - currently there is a vertical wheelchair lift within the building to access to the two floors
 - they are seeking to utilize the existing lift for access between the two floors

RG - grant as proposed

GD - second – carries unanimously

11) Incoming: Berklee College of Music, 138-152 Mass. Ave., Boston (V15-110)

- TH - EXHIBIT – variance application and supplemental information
- reconstruction of existing building; 8 floors; upper floors are dormitory, lower two floor are below grade
 - jurisdiction is work performed
 - variance for 22.3.1, Mass. Ave. sidewalk running slope/cross slope
 - slopes at Mass. Ave. entrance will be equipped with auto-opener

JD - *grant both as proposed*
CS - *second – carries unanimously*

12) Incoming: Marsh House, Amherst College, 81 Lessey Street, Amherst (V15-089)

TH - EXHIBIT – variance application and supplemental information
- previously sent to the Board in their packet

JD - common bathrooms at 2nd and 3rd floor

LP - there looks like there are accessible bathrooms off of the 1st floor lounge area

CS - access to the porch?

LP - that is the main project to create access to the building

CS - sleeping rooms at the first floor?

LP - yes, accessible sleeping rooms at the first floor

JD - *grant all as proposed*

RG - there is a rec room in the basement, would like to see a lift from the first floor to the basement, instead of creating access at the kitchen

TH - I think that they didn't want to provide that first floor accessible kitchen

RG - would like to see basement access provided, since there is a kitchen, rec room and common room area

CS - are they proposing accessible bedroom and kitchen?

JD - *grant as proposed variances are for those originally requested*

AB - *second – carries with CS and RG opposed*

13) Incoming: Mugar Life Sciences Building, Northeastern University, 330 Huntington Ave., Boston (V15-095)

TH - EXHIBIT – variance application and supplemental information
- previously sent variance application and supplemental information to the Board via their board packets

CS - is mezzanine open to grad students?

JD - even if it is, there is accessible lab space below and it is in a written policy

LP - two accessible parking spaces, on the site plan

DM - two existing accessible parking spaces noted, but they don't look fully compliant

LP - *grant as proposed, on the condition that compliant accessible parking is provided as proposed, and that a teacher or TA is available to assist students that need it; and the same equipment is available at the accessible level*

CS - *second – carries unanimously*

CS left the room

14) Incoming Discussion: Middle Gray Gallery and Café, 195 Washington Street, Brookline (V15-085)

- TH - EXHIBIT - submittal of amendment for bathroom dimensions for 521 CMR 30.7.2; plan submitted by Alvaro Morales of May 5, 2015
- previously denied and scheduled hearing for July 27th
 - variance for the accessible toilet room dimensions; seeking variance for these toilet rooms prior to the July 27th hearing

AB - *grant as proposed*

GD - *second – carries unanimously*

14) Incoming: Portable Ramp Use, 45 Union Street, Boston (V15-115)

- TH - EXHIBIT – variance application and supplemental information
- ramp will be on public sidewalk, over a 6” step for a one-time event
 - meant with Commission about this matter

AB - *waive the two-week waiting period*

JD - *second – carries unanimously*

JD - *grant the use of a temporary ramp for this one event, on the condition that the temporary ramp handrails comply in full with the requirements of 521 CMR 27.4*

AB - *second – carries unanimously*

CS now present

16) Hearing: Urban Edge Apartments, Multiple Addresses at Cleaves Court and Columbus Avenue, Boston (V15-040)

- DM - called to order at 11 a.m.
- introduce the Board

Paul Warkentin, Davis Square Architects (PW)

Jeff Ashburn, Davis Square Architects (JA)

Laura Cella-Mowatt, Davis Square Architects (LM)

Shaina Korman-Houston, Urban Edge (SH)

- DM - all sworn in
- EXHIBIT 1 – AAB1-24

- LM - renovation project includes 90 units, spread over 2 different sites
- AAB12, site map
 - Bragdon has 54 units
 - Cleaves Court has 36 unit
 - mix of 1, 2 and 3 br units
 - 5 existing accessible units, but none are fully compliant at this point
 - the buildings are all considered historic and relying on historic tax credits for renovation work
 - occupied rehab of affordable housing, so residents will stay in the units while the renovations happen
 - 5 accessible units are being fully renovated, only seeking one variance for those units

- DM - any letter from Mass Historic
LM - were approved for funding
SH - not getting federal funding, just getting state funding for historic tax credits, but can send the letter if required
- LM - 9.4.2, distribution request; they actually are properly distributed
- there was an error in the data entry, so new spreadsheet of the accessible rooms provided (dated May 11, 2015)
- DM - accept spreadsheet as EXHIBIT 2
- CS - *as discussed and as noted in the new exhibit, no variance is required for 9.4.2 distribution*
AB - *second – carries unanimously*
- LM - seeking a variance for one of the Bragdon buildings,
- lobby is 2 feet below main floor
- 1865 Columbus Avenue
- there is an existing noncompliant lift within the building that does not have compliant lift dimensions at the rear
- there is direct access at the rear of the building, directly into the accessible units
- there is no access to one unit within the building
- making the existing lift compliant would cut the existing stairs in half
- route to the accessible unit entries is along sidewalk and thru existing parking lot, which is being improved
- haven't been able to measure the lift
- existing lift is completely boxed in
- PW - the size of the lift is probably not more than 3 feet square
- CS - was it ever in use
- SH - it was taken off-line in 2012, but unsure when the lift stopped being used
- GD - *grant as proposed, on the condition that it is well-maintained and well lit*
AB - *second – carries unanimously*
- LM - 10.8, laundry facilities
- seeking a variance for the existing laundry room at 1865 Columbus Avenue
- this is the only building that has more than 12 units, therefore need access to common use areas
- route to the existing room is via two sets of stairs and there is not enough clearance provided
- proposing to provide accessible laundry in all of the accessible units
- CS - *grant as proposed*
RG - *second- carries unanimously*
- LM - maneuvering clearances at doors and doorways
- all of accessible units are being reconfigured to comply in full with Group 2 requirements
- there are 2 locations where the maneuvering clearances cannot be done, at doors to secondary bedrooms
- AAB20, shows the unit in question
- there is not enough clearance at the secondary bedroom door

- 37" where 42" is required

CS - grant as proposed

JD - second- carries unanimously

LM - AAB19, similar issue for second bedroom in Unit 1A
- 4" short for required clearances

CS - grant as proposed

JD - second- carries unanimously

LM - variance for treads and risers
- all the existing stairs have winders

JD - grant variance for winders

GD - second - carries unanimously

LM - nosings at all existing stairs
- existing bull nose edge
- cost estimates for nosings corrections

DM - accept as EXHIBIT 3

JD - grant as proposed

LM - cost would be \$42,660
- this cost estimates are based on previous project, based on \$790 per flight of stairs
- historic tread, has a secondary tread over the existing,

GD - how would you correct it?

LM - would require adding to all stairs

PW - cost estimates handed out, was where all that was added was a strip of wood
- replacing the tread would be much more
- can submit more information and dimensions for the existing stair nosings

- no second to JD motion

CS - continue to have more information regarding nosings, architectural drawings, corrected actions needed to make it comply

AB - second – carries unanimously

CS - submitted documentation by May 26, 2015 for nosings

AB - second – carries unanimously

LM - 27.4, for both buildings
- Cleaves Court has historic rail at open side of all stairs; proposing continuous compliant wall side handrail

CS - grant as proposed

AB - second – carries unanimously

LM - at Bragdon, proposing wall compliant wall side handrail

AB - *grant as proposed*

GD - *second – carries unanimously*

LM - rear stair in Bragdon, proposing compliant wall side handrail

GD - *grant as proposed*

AB - *second – carries unanimously*

RG - *expedite the decision*

GD - *second – carries unanimously*

17) Incoming: The Frederick LLC, dba Kemble Inn, 2 Kemble St., Lenox (V15-078)

TH - EXHIBIT – May 1, 2015 submittal from Scott Henderson regarding bathroom modifications
- modified plans show how the transfer to the seat within the shower is now provided
- 30"x48" clear floor space aligns with the seat

LP - *accept as proposed*

RG - *second – carries unanimously*

18) Incoming: Taunton High School, Press Box, 50 Williams St., Taunton (V15-098)

TH - EXHIBIT- variance application and supplemental information
- new bleachers and press box built, proposing a LULA, although plans seem to show a vertical wheelchair lift

CS - *grant the proposed means of vertical access, on the condition that clarification of LULA or lift submitted*

RG - *second – carries unanimously*

19) Incoming: Article 24 Restaurant, 458 Western Ave., Brighton (V15-075)

TH - EXHIBIT- May 8, 2015 submittal from DLA Architecture including plans, photographs and written policy regarding greeting guests at the rear accessible entrance

CS - *accept the submitted drawings and grant as proposed*

JD - *second – carries unanimously*

20) Incoming: Italian Express Pizzeria, 336 Sumner Street, East Boston (V15-108)

TH - EXHIBIT – variance application and supplemental information
- continued use of portable ramps and lack of access to patio seating completed in 2008
- 30 seats at the interior, and 30 exterior seats at the patio are for take-out only
- there are tables along the sidewalk in front of the building as well that are accessible
- portable ramps used

AB - knob hardware at entrance door

TH - not sure if that is part of the purview of this work, since the issue is just providing the portable ramp and the patio

CS - *grant the use of the portable ramp, on the condition that portable ramp is compliant with the lip at the edge, with verification to be submitted to the Board by May 26, 2015*

JD - *second – carries unanimously*

TH - next variance is for the lack of access to the exterior patio area
- accessible seating provided at the front of the building
- would require a large ramp to access, just for take-out use, no service provided

CS - *deny*
- *no second – motion fails*

AB - *grant as proposed, on the condition that umbrellas are provided at the front of the building*

GD - *second – carries with JD and CS opposed*

21) Incoming: Multi-tenant building, 569-573 Columbus Ave., Boston (V15-109)

TH - EXHIBIT – variance application and supplemental information
- combining 3 separate tenant spaces into one restaurant
- no partial application done, but assuming over 30% of the value of the space
- need two public bathrooms in the basement due to occupancy load
- seeking a variance for the lack of access to the basement and the lack of accessible toilet rooms at the new basement toilet rooms

JD - *grant the variances requested for this use only*

GD - *second – carries unanimously*

Break for Lunch

GD no longer present

22) Hearing: Putnam Gardens Housing, 64 Magee Street, Cambridge (V14-340)

DM - called to order at 1:00 p.m.
- introduce the Board

Deborah Robinson, Bargmann Hendrie (architect) (DR)

Amy Winter, Cambridge Housing Authority (AW)

John Woods, Cambridge Housing Authority (JW)

Doug Anderson, C3 Consulting (DA)

DM - all sworn in

- Exhibit 1 – AAB1-39

- DA - 3 apartment building unit in Cambridge, last renovated in early 1990's
- spending more than twice the value of the building
- regulations in 1988 did not require Group 2 units to be distributed; Units were provided in compliance with 1988 regulations
- DR - AAB29, site plan of the complex
- 13 entries overall
- currently under construction, doing one entrance and apartments above at a time; will most likely take 4 years
- 1-4 bedroom units within the complex
- as part of the current renovation, intent is to upgrade bathrooms and kitchens
- are also replacing systems, but no change to the layout since building is concrete and brick
- no public or common use spaces within Building 1-3; the common use spaces are all located in the community building, which is fully accessible
- proposing trash to be moved from within the building to outside the building, to provide 4 accessible trash sheds
- AAB22, Building 3, first floor, ramp structure built in 1990, but there are steps up to the other entrance vestibule of the adjacent stairwell
- petitioners argue that access to more than just the one accessible unit
- proposing intercom system to be replicated to contact all units at the bottom of the existing entrance landing
- submittal of photos of existing front entrances, and three large photos of existing entrances
- DM - first photo submittal, accepted as EXHIBIT 2
- second set of three photos, accepted as EXHIBIT 3
- JW - was asked by Michael Muehe to provide additional narrative, for clarification
- part of RAD (Rental Assistance Designation program)
- switching from public housing to Section 8 housing, to help finance repairs
- Putnam Gardens is the first project started under this program, but the suggested narrative was a way to let the Board know that future projects may also be coming before the Board
- have been increasing additional accessible units within the existing Cambridge Housing Authority housing
- Muehe had suggested that the number of 2 bedroom units be increased
- often talk with Muehe to “fine tune” accessible housing layouts
- JD - buzzer system?
DR - yes same as at the front entrance
- RG - where are the laundry facilities?
JW - in the units

CS - *grant the variance for the 9.4.2*

AB - *second – carries unanimously*

CS - *grant the variance for 25.1, on the condition that the accessible entrances are well lit and well maintained at all times*

RG - *second – carries unanimously*

JD left the room

23) Incoming: Cromwell Court, Building 9, 168 Barnstable Road, Hyannis (V15-100)

- TH - EXHIBIT – variance application and supplemental information
- multiple building complex
 - fire in building
 - gut rehab 6 of the units, and renovate the other 6 units
 - spending \$1,230,000
 - have no building value given

CS - *continue for more information and meet with the architect*

RG - *second – carries unanimously*

JD now present

24) Incoming: Trolley House Condos, 335-337 West Second Street, Boston (V15-106)

- TH - EXHIBIT – variance application and supplemental information
- want to put in roof decks for certain units
 - there was a lift installed to create access from garage into first floor, but appears that the route once up to the first floor, is still outside of the building

CS - *have a meeting with the petitioners and review the case*

AB - *second – carries unanimously*

25) Incoming Discussion: Nashua Street Residences, 1 Nashua St., Boston (V15-047)

- TH - previously presented and granted variances for sink depth issues
- but also requested parking lot plans
 - EXHIBIT- April 9, 2015 submittal from David Gillespie which included parking plan
 - submittal notes the accessible parking locations and states that the parking will be provided in perpetuity
 - 7 accessible parking spaces provided

CS - *continue to have TH talk with legal counsel for DPS*

RG - second – carries unanimously

26) Advisory Opinion: Bill's Yogurt, 120 East St., Ludlow

TH - in June of 2013, issued an opinion regarding reach ranges for the condiment bar
- opinion was that the condiment bar did not comply
- in November 2014, required a drawing for the condiment bar compliance
- EXHIBIT – submittal from Michael Pietras, dated April 27, 2014 showing layout of the store and the condiment bar

LP - deny the submitted plans, they do not comply; need plans submitted showing new accessible designs for the condiments counter, by May 26, 2015

RG - second – carries unanimously

RG - expedite

LP - second – carries unanimously

27) Incoming: Little Brook Village, Elderly Housing, Buildings A-E, 69 Washington St., Topsfield (V15-068)

TH - EXHIBIT – variance application and supplemental information
- sent the variance application out to the Board Members in their board packets
- granted them permission to have permits issued for the work, and voted to schedule a hearing
- the project was built in 1975, Petitioners submitted more information and moved to today's meeting
- seeking variance for lack of accessible route

CS - AAB 49, cross hatched area confusion

TH - issue is with drainage and the major project is new drainage and sill repairs

CS - motion to hold the hearing as scheduled

AB - second – carries unanimously

28) Hearing: 56 Unit Apartment Building, 884-888 Massachusetts Avenue, Boston (V14-339)

DM - called to order at 2 p.m.
- introduce the Board

Doug Anderson, C3 Consulting (DA)

Andrew Mayo, Maxwell Architects (AM)

Theo Papas, Jemtak Realty (TP)

DM - all parties sworn in
- EXHIBIT 1 – AAB1-29

- DA - 57 unit building
- TH - spending on the project?
DA - \$3.5 million, was not set at the time
- DA - AAB17, layout of the building
 - fire destroyed most of the right side of the building
 - reconstruction and restoration of the building, triggers full compliance for the building
 - 3 Group 2A units are being provided in the renovated portion of the building, which is accessed via an elevator, and also creates access to basement level storage area
 - built in the 1890's
 - there are existing noncompliant issues, 6 total variance requests, with multiple location
 - AAB17 shows existing basement of the building, proposing new accessible entrance, to be served by a ramp, creating access to the common areas at the basement level
 - rear exit stairs are winders
 - exterior stairs along Mass. Ave. are multiple stairs, with interior vestibule stairs; technological infeasibility of creating access to these entrances
 - proposing side accessible entrance to the basement level
- CS - would like to see the ramp built, and location of the walkway and the ramp
- AM - submittal of pictures of the existing route to the accessible entrance
- DM - accept pictures as EXHIBIT 2
- DA - proposing to build a retaining wall and then the ramp
- JD - grant, on the condition that the ramp be well lit, maintained, and well signed*
AB - second – carries with RG abstaining and CS opposed
- DA - existing handrails
 - proposing to maintain interior handrail, on the condition that compliant wall mounted handrails are installed
- AB - grant for the lack of compliant interior handrails, on the condition that compliant wall mounted handrails are provided as proposed*
JD - second – carries unanimously
- AB - grant the existing winder stairs*
JD - second – carries unanimously
- DA - corridor widths
 - providing 44" center corridors in renovated portion of the building

- the other portions of the building, not damaged by the fire, are currently occupied and have only a 33"-39" wide corridor
- there are also issues with clear widths at doors

AM - doorways leading from 888 to 884 sides is only 24" wide, and within a demising wall between the two buildings

JD - accessible units are within renovated portion of the building?

AM - yes

- narrowest part of corridor

AM - were "corridor" is written next to the stairs in 884, it is only 33" wide

- there is also a step up at the noncompliant 2' wide doorway

JD - grant based on technological infeasibility

AB - second – carries unanimously

DA - doorway width, AAB29, shows doorway width at the 2 foot door

JD - grant the variance for the lack of compliant clear width at doors at the inaccessible units

AB - second – carries unanimously

DA - only have 3'7" along the route to the accessible entrance

- handrails at each side of the ramp or can do no handrail on one side; can be 3'3" with handrails at both sides

AB - grant on the condition that handrails provided and clear width of 3'3", as proposed

JD - second – carries unanimously

29) Incoming Discussion: Old Goal Jail, 15R Vestal St., Nantucket (V14-117)

TH - previously heard as an incoming case, for the jail building, built in the 1700's

- sought complete relief, based on providing an interpretive shed, to show the interior of the jail

- summer of 2014, found that the shed was constructed with steps

- sent an amended notice of action stating that cannot open the facility until the shed is made accessible

- EXHIBIT – Michael Harrison and Robin and John Davis, wrote to the Board on May 8th and provided a plan for a new interpretive shed

CS - deny, cannot open until the accessible shed is completed

JD - second – carries unanimously

30) Advisory Opinion: Boston Calling Music Festival

TH - EXHIBIT- email from Vanessa Marte, who works for William Christopher, Commissioner of Inspectional Services Department for Boston

- seeking “appropriate staffing” to provide accommodations

JD - variance is required and the two events prior to June 1, 2015 must provide compliant access to the stages, with the proper variance application process required for any additional events

AB - second – carries unanimously

DM left for the day; JD acting as chair

31) Hearing: Frost Library, Amherst College, 61 Quadrangle Drive, Amherst (V14-283)

JD - called to order at 3:02 p.m.

- introduce the Board

Thomas Davies, Director of Design and Construction at Amherst College (TD)

JD - TD sworn in

- Board has previously reviewed this case in November 2014, where they granted the requested variances, as seen on AAB6 (24.2, 24.4, 24.5.4)

- email from Commission on Disability opposed to the variance request

- hearing was requested by Commission

- EXHIBIT 1 – AAB1-29

TH - look at AAB6

- slope of the ramp is 6.56% at its steepest point

- ramp segment is 61 feet long, without intermediary landing; 64 inches, with 48 clear between the handrails

- ramp is original to 1965 construction

- accessible walkway directly adjacent

- AAB14 is the actual request

CS - uphold prior decision, based on the fact that the party that requested the decision is not present to present additional information

AB - second – carries with LP abstaining

32) Incoming Discussion: WEC Eustis Mansion, 1426 Canton Avenue, Milton (V15-072)

TH - previously voted to schedule a hearing 7/27/15

- EXHIBIT – submittal from new variance application from Jonathan Austen of Austen Architects

LP - uphold the hearing date

AB - second – carries unanimously

33) Incoming: Johnson House, Williams College, 71 Stetson Court, Williamstown (V15-107)

- TH - EXHIBIT – variance application and supplemental information; letter from Cathy Carciddi at AdLib, in support of the variance
- business on the main floor, proposing to use both floors for office space
 - making the first floor accessible with a ramp and seeking variance for no access to the second floor, with accommodation policy for accommodations made at the first floor
 - no accessible restroom provided within the building
 - AdLib letter seeks courses to be moved to another building if accessible toilet room required; but since this is just a change in use, the triggering vertical access to the second floor, no bathroom is triggered

AB - grant on the condition that anything that is provided at the second floor, can be provided at the first floor, as proposed

RG - second – carries with CS opposed

33) Incoming Discussion: Walkway to Science Building, Boston College, 140 Comm. Ave., Chestnut Hill (V15-091)

- TH - on April 27th continued for more information
- EXHIBIT – submittal from Howe Engineers on May 8, 2015
 - did not get to review since was out of the office, need to move to June 1st.

CS - move to June 1, 2015 review

AB - second- carries unanimously

34) Incoming Discussion: North Shore Community Development Housing, Salem (V15-064)

- TH - on April 6, 2015, granted many variances, on the condition that plans for the entrances and the accessible Group 2A units, but still may need a meeting with the applicant
- EXHIBIT – Cliff Boehmer submittal April 22, 2015, included plans for entrances and Group 2 units
 - would like to meet with the architect to understand this project

RG - have petitioners meet with TH

AB - second – carries unanimously

35) Incoming Discussion: Adams Free Library, 92 Park St., Adams (V14-332)

- TH - EXHIBIT – April 30, 2015 submittal from Deborah Bruno, Library Director
- thought sent to Board in packet, but will need to if not

CS - have submittal sent to members in Board packet

RG - second – carries unanimously

36) Advisory Opinion: Sidewalk Widths at Sidewalk Dining Location – Steve Fredricson, Beverly Building Department

TH - 3 foot allowance next to outdoor seating along sidewalk
- the intent of the section is that the sidewalk could be reduced for a minimum length to allow for light poles, sign posts, mailboxes and other things that reduce down to 36”

CS - *require that the walkway beyond the sidewalk dining shall be consistent with 521 CMR 22.2, which requires 48” clear width, for the entire length of the dining area*

RG - *second – carries unanimously*

37) Advisory Opinion: Sidewalk Widths at Sidewalk Dining Location – TH, would like to set interpretation on web

TH - needs to be on the website to let all parties know that there needs to be 48” clear width beyond the sidewalk seating area

RG - *put advisory opinion on the website*

CS - *second – carries unanimously*

38) Discussion: Sandy Point State Reservation, Plum Island, Newbury (C13-076)

Mark Dempsey, Compliance Officer for the Board (MD)

MD - parking complaint, 25-50 parking spaces
- lot is not paved
- site visit on April 21, 2015 to meet with Department of Conservation and Recreation
- sand lot, and painted the guard rail red where the access aisle would be, and proposing to post signage that states “no parking, access aisle”; cannot stripe the lot due to sand
- they do have mixed adhesive in the sand

LP - the sand shifts a lot in that parking lot
- it gets really windy out there

LP - *require that a variance be submitted for the lack of access aisle delineation, to place a sign in lieu of striping*

RG - *second – carries unanimously*

39) Advisory Opinion: sidewalk dining, cont’d

LP - *reopen general advisory for sidewalk dining*

RG - *second- carries unanimously*

- LP - passing space beyond sidewalk dining space, shall be 48" clear minimum, with no allowed obstructions; passing space per 521 CMR 6.2 shall be provided at the midpoint of the distance if the sidewalk dining is 50 feet or more of length*
- RG - second – carries unanimously*

40) Advisory Opinion: Karen Hunt, Hotel on North, Pittsfield – Restroom Signage

- TH - proposed alternate pictures to be added, in addition to the required symbol of accessibility and Braille
- EXHIBIT – letter of support from June Hailer, Pittsfield Commission on Disabilities in support of variance, April 30, 2015

- CS - signage complies, on the condition that there is better contrast*
- RG - second – carries unanimously*

41) Discussion: Minutes and Decisions from April 27, 2015

- CS - approve the minutes and decisions from April 27, 2015*
- AB - second – carries unanimously*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- Middle Gray Gallery and Café, 195 Washington Street, Brookline (V15-085) -submittal of amendment for bathroom dimensions for 521 CMR 30.7.2; plan submitted

EXHIBITS:

- Kresge Auditorium, MIT Building W16, 106 Vassar Street, Cambridge (V15-081) - variance application and supplemental information
- Bridge Over Troubled Waters, Inc., Bridge's Transitional Living Program, 3-5 Abby Rd. and 68-70 Waverly St., Bridgton (V15-097) - variance application and supplemental information
- Mass Digital Games Institute and New Ventures Center, 80 Williams Street, Worcester (V15-111) - variance application and supplemental information
- Yvonne's Restaurant, 1-3 Winter Place (1st Floor), Boston (V15-102) - variance application and supplemental information
- New Town Hall (Old County Courthouse), 26 Court Street, Plymouth (V15-104) - variance application and supplemental information
- Landry Arena, 1000 John Fitch Highway, Fitchburg (V15-105) - variance application and supplemental information
- 22 Story Apartment Building, 402 Rindge Ave., Cambridge (V15-103) - variance application and all supplemental information
- First Parish Unitarian Universalist Church, 55 School Street, Bridgewater (V115-096) - variance application and supplemental information

- Wahconah Heights, 667-1A, 335 Wahconah St., Pittsfield (V15-099) - variance application and supplemental information; letter from June Hailer, Pittsfield Commission on Disability – received on Friday, May 8th
- Office Building, 54 Washburn Ave., Cambridge (V15-101) - variance application and supplemental information
- Berklee College of Music, 138-152 Mass. Ave., Boston (V15-110) - variance application and supplemental information
- Marsh House, Amherst College, 81 Lessey Street, Amherst (V15-089) - variance application and supplemental information
- Mugar Life Sciences Building, Northeastern University, 330 Huntington Ave., Boston (V15-095) - variance application and supplemental information
- Portable Ramp Use, 45 Union Street, Boston (V15-115) - variance application and supplemental information
- Taunton High School, Press Box, 50 Williams St., Taunton (V15-098) - variance application and supplemental information
- Italian Express Pizzeria, 336 Sumner Street, East Boston (V15-108) - variance application and supplemental information
- Multi-tenant building, 569-573 Columbus Ave., Boston (V15-109) - variance application and supplemental information
- Cromwell Court, Building 9, 168 Barnstable Road, Hyannis (V15-100) - variance application and supplemental information
- Trolley House Condos, 335-337 West Second Street, Boston (V15-106) - variance application and supplemental information
- Little Brook Village, Elderly Housing, Buildings A-E, 69 Washington St., Topsfield (V15-068) - variance application and supplemental information
- Johnson House, Williams College, 71 Stetson Court, Williamstown (V15-107) - variance application and supplemental information; letter from Cathy Carciddi at AdLib, in support of the variance
- The Frederick LLC, dba Kemble Inn, 2 Kemble St., Lenox (V15-078) - May 1, 2015 submittal from Scott Henderson regarding bathroom modifications
- Article 24 Restaurant, 458 Western Ave., Brighton (V15-075) - May 8, 2015 submittal from DLA Architecture including plans, photographs and written policy regarding greeting guests at the rear accessible entrance
- Nashua Street Residences, 1 Nashua St., Boston (V15-047) - April 9, 2015 submittal from David Gillespie which included parking plan
- Bill's Yogurt, 120 East St., Ludlow - submittal from Michael Pietras, dated April 27, 2014 showing layout of the store and the condiment bar
- Old Goal Jail, 15R Vestal St., Nantucket (V14-117) - Michael Harrison and Robin and John Davis, wrote to the Board on May 8th and provided a plan for a new interpretive shed
- Boston Calling Music Festival - email from Vanessa Marte, who works for William Christopher, Commissioner of Inspectional Services Department for Boston
- WEC Eustis Mansion, 1426 Canton Avenue, Milton (V15-072) - submittal from new variance application from Jonathan Austen of Austen Architects
- Walkway to Science Building, Boston College, 140 Comm. Ave., Chestnut Hill (V15-091) - submittal from Howe Engineers on May 8, 2015
- North Shore Community Development Housing, Salem (V15-064) - Cliff Boehmer submittal April 22, 2015, included plans for entrances and Group 2 units
- Adams Free Library, 92 Park St., Adams (V14-332) - April 30, 2015 submittal from Deborah Bruno, Library Director

- Karen Hunt, Hotel on North, Pittsfield – Restroom Signage - letter of support from June Hailer, Pittsfield Commission on Disabilities in support of variance, April 30, 2015